IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.378 OF 2007
IN
SUMMARY SUIT NO.388 OF 2003

Oriental Bank of Commerce ....Plaintiff
V/s.
Ramnik V. Mehta ....Defendant

Mr.J. Girish Nair for the Plaintiff.
Ms.Neeta V. Parikh for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 1ST OCTOBER, 2007.

P.C. :

1. The suit is filed to recover a sum of Rs.1,25,466=79 ps. together with interest at 17.5% p.a.

2. The suit is based on a dishonoured cheque.

3. In particulars of claim a consolidated amount of Rs.1,25,466=79 ps. is mentioned. It is difficult to ascertain the principal sum. The Plaintiff was not entitled to compound interest. The suit if based on a dishonoured cheque and there being no agreement regarding compound interest in the event of the dishonour by the cheque, the Plaintiff cannot claim compound interest.

4. Admittedly, the principal sum was Rs.85,236/-. It is clear therefore that as on the date of the filing of the suit in view of the adjustment made the dues with interest had been paid if calculated on the basis of the simple interest. In the circumstances, the Plaintiff shall be entitled to a sum of Rs.85,236/- as on the date of filing of the suit together with interest thereon as determined by the Court.

5. The Defendant has appeared before the Court honestly and has not raised any false defence. The amount however is due.

6. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed in the sum of Rs.85,236/- together with interest thereon at 6% p.a. from the date of filing of the suit till payment. The Defendant shall be entitled to make payment of the said amount on or before 31.3.2008.

Refund as per rules.